



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE

US EPA RECORDS CENTER REGION 5



527005



RUSSELL J. HARDING
DIRECTOR

October 4, 2002

FILE

Mr. Joseph E. Quandt
Zimmerman, Kuhn, Darling, Boyd, Taylor & Quandt, PLC
412 South Union Street
P.O. Box 987
Traverse City, MI 49685-0987

Dear Mr. Quandt:

SUBJECT: Williamsburg Receiving & Storage, Inc., September 20, 2002 Letter

This letter is in response to your September 20, 2002 letter to the Department of Environmental Quality (DEQ) concerning the September 5, 2002 letter from the DEQ. The purpose of the September 5 letter was to approve the Odor Control Work Plan and to direct that the Work Plan be implemented.

Your response expressed concern over the deadline for submittals, and concern regarding the DEQ's attention to odor complaints. The deadlines for submittals have been agreed to in the Consent Order (Order). If stipulated penalties are to be collected, the first date to be counted would be the date agreed upon in the Order. While it would be uncommon for the DEQ to collect stipulated penalties for a submittal that is a day late, it is in your client's interest that the submittal arrives by the date specified in the Order.

The second issue was regarding the evaluation of odors from the facility. Mr. Rick Rusz has responded to you on this concern. The DEQ is unable to ignore calls from residents near the Williamsburg Receiving and Storage (WRS) plant, and would be remiss if the information were not shared with your client in order to avoid stipulated penalties due to potential odors generated after October 1, 2002.

On September 16, 2002, the first quarterly progress report was due as required by Section 5.2 of the Order. The submittal was received on September 17, 2002. The progress report does not indicate that the Odor Control Work Plan was implemented as required by paragraph IV4.1.b (4) of the Order, and subsequently by our September 5, 2002 letter.

Paragraph IV4.1.b (1) (ii) of the Order requires that water continue to be removed from the lagoon until odors are eliminated. A single evaluation by an engineer, as described in the Odor Control Work Plan, is not a sufficient evaluation of the odor problem. As stated above, the Odor Control Work Plan must be implemented.

In addition, the report should also address paragraph IV4.1.d. *Brine Storage and Secondary Containment*, and paragraph IV4.1.e. *Solid Waste Disposal*.

Your September 20, 2002 letter indicates your "sincere hope" to avoid confrontation with the DEQ. The DEQ will continue to monitor compliance with the Consent Order and to enforce the agreements and schedules laid out in it.

Sincerely,



Michael Stifler, P.E.
Cadillac District Supervisor
Water Division
231-775-3960, Extension 6260

cc: Ms. Sandra Beckwith, Whitewater Township
Mr. Chris Hubbell, WRS
Mr. Andrew Smits, Inland Seas Engineering
Mr. Rick Rusz, WD
Ms. Janna Sebald, WD
Ms. Janice Heuer, WD-Cadillac